

THE RECLAMATION BOARD – DECEMBER 20, 2007

Consent Item No. 7A

Department of Fish and Game Lease No. 2007-738Z, Yolo County (*Olivia Guebara*)

Consider approval of an addendum to the master lease with the California Department of Fish and Game of 1,270 acres of Board-owned land located within the Yolo Bypass at the Fremont Weir.

Request

The Department of Fish and Game (DFG) requests the lease of 1,270± acres of land owned in fee by the Reclamation Board (Board) located within the Yolo Bypass at the Fremont Weir in Yolo County. The proposed lease is pursuant to the conditions set forth in the master lease between the Board and DFG which provides for the protection and development of fish and wildlife habitat and public use of Board property including hunting (Reclamation Board Lease No. 77-738). The master lease has a beginning date of April 1, 1977 and an expiration date of March 31, 2027 and includes 23 parcels of land totaling 5,830 acres in 9 counties. The master lease provides for the addition of parcels from time to time.

Description

The proposed lease area is roughly rectangular in shape and consists of two parcels of land each 635 acres in size. The first parcel comprises the east one-half of the proposed lease area and was purchased in fee by the Board in 1993. DFG has conducted managed pheasant hunts on this property since 1995 pursuant to annual permits issued by Board staff. The second parcel comprises the west half of the proposed lease area and was purchased by the Board in 1995. This property has been used for private hunting by the sellers of the property. As a condition of sale, the seller negotiated for a ten-year lease of the property for ten-years for private hunting. This property is also encumbered by a conservation easement benefiting the U.S. Fish and Wildlife Service.

Terms and Conditions

DFG's proposed use of the Board's property is subordinate to flood control needs which includes routine annual maintenance and periodic sediment removal. The terms and conditions of the master lease provide that the Board may suspend the lease for flood control activities. Additionally, special conditions have been added to the lease which require signage of the property to prevent trespass onto adjacent private property and limiting vehicular access and parking to the existing parking areas located at the west end of the Fremont Weir. The lease provides that DFG may control undesirable vegetation by use of managed livestock grazing (preferably sheep or goats). DFG shall coordinate the grazing activity with the Department of Water Resources Flood Management Division's Sacramento Maintenance Yard. The contact person at the Sacramento Maintenance Yard is Russ Eckman, UCW Superintendent. Russ can be reached by telephone at (916) 375-6000. Hunting shall be limited to shotguns and archery.

Current Status

DFG currently leases the adjacent property to the north from the Board pursuant to the master lease (Reclamation Board Lease No. 77-738 H). DFG refers to the leased area as the Fremont Weir Wildlife Area which includes the weir and the area between the weir and the Sacramento River. This property is approximately 160 acres in size and has been leased to DFG since 1977. Currently, there is a developed parking area for public use at the west end of the Fremont Weir which is accessed by a paved county road. The addition of the adjacent 1,270 acres would provide additional hunting opportunities and allow DFG to enforce hunting regulations on the Board's property.

Pursuant to the California Water Code Section 8361, DWR has the responsibility to maintain the Yolo Bypass and the east and west levees of the Yolo Bypass at the Fremont Weir. Ongoing maintenance work within the Yolo Bypass is defined by MOU between DFG and DWR which is designed to streamline the permitting process for DWR's maintenance activities and to minimize adverse impacts to fish and wildlife resources and water quality. Currently, vegetation management is limited to mechanical or chemical means and does not include livestock grazing. Gary Hobgood, Environmental Scientist with the DFG, manages the MOU on behalf of the DFG. He stated that sheep grazing in the Yolo Bypass as a vegetation management tool is worth exploring. He said that if DFG initiates and manages the sheep grazing that an amendment to the MOU would not be required. However, if DWR (Board) were to initiate a grazing program of its own, an amendment to the MOU would be needed.

The west half of the proposed lease area is encumbered by a conservation easement which does not allow cattle grazing. Craig Isola, Refuge Manager with the US Fish and Wildlife Service was consulted and he stated that he did not have any objections to public hunting or habitat management by use of livestock grazing if it were managed by DFG. The conservation easement acknowledges the superior rights of the Board to maintain the floodway over those rights of the conservation easement.

Staff Recommendation

Staff recommends that the Board consider approval of the lease of 1,270 acres within the Yolo Bypass at the Fremont Weir to the Department of Fish and Game pursuant to the terms and conditions set forth in the "master lease" between the Board and DFG dated March 22, 1977. The benefits to the Board of this lease is the enhancement of the wildlife habitat within the Yolo Bypass, reduction of undesirable vegetation, reduced maintenance costs, and public use of the bypass, and providing a law enforcement presence in the bypass to reduce illegal activities such as poaching, and dumping of trash, staff recommends that the Board consider the approval of a

Attachments: Master Lease
 MOU
 Draft Lease
 Vicinity Map
 Conservation Easement